

# STATE OF NEW YORK

10816

## IN ASSEMBLY

April 1, 2026

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the classification of resident entrance fees for residents of continuing care retirement communities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 4610-a to read as follows:

3 § 4610-a. Resident entrance fees; statutory obligation upon insolvency.  
4 1. For purposes of this article, a resident entrance fee shall be  
5 deemed an advance payment for housing, care, or services not yet  
6 rendered and shall not be deemed fully earned upon receipt.

7 2. To the extent that housing, care, or services for which a resident  
8 entrance fee was paid are not provided, the operator who accepted such  
9 entrance fee shall be obligated to refund the unearned portion of such  
10 fee to the resident. Such obligation shall exist notwithstanding the  
11 terms of any resident contract or agreement.

12 3. In any insolvency, receivership, or bankruptcy proceeding against  
13 an operator, the obligation described in subdivision two of this section  
14 shall constitute a statutory obligation and shall not be deemed a gener-  
15 al unsecured claim for contractual damages.

16 4. Any agreement or contract provision intended to waive or limit the  
17 application of this section shall be void as against public policy.

18 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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